

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

TIMOTHY NEWELL,)	CASE NO. 1:07 CV 693
)	
Petitioner,)	JUDGE DONALD C. NUGENT
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
CARL S. ANDERSON,)	<u>AND ORDER</u>
)	
Respondent.)	

On March 9, 2007, petitioner pro se Timothy Newell filed the above-captioned habeas corpus action under 28 U.S.C. § 2254. Newell is incarcerated in an Ohio penal institution, having been convicted, in 1978, of rape (13 cts), aggravated robbery (4 cts), gross sexual imposition, felonious sexual penetration, and felonious assault. While the grounds for the petition are unclear, Newell vaguely asserts that his continued incarceration violates Ohio law, and thus due process and equal protection. For the reasons stated below, the petition is denied and this action is dismissed.

A federal district court may entertain a petition for a writ of habeas corpus by a person in state custody only on the ground that the custody violates the Constitution or laws of the

United States. Furthermore, the petitioner must have exhausted all available state remedies. 28 U.S.C. § 2254.

It is not the province of this court to reexamine state-court determinations on state-law questions. Estelle v. McGuire, 502 U.S. 62, 67-68 (1991). There is simply no basis set forth in the petition which arguably supports the proposition that the state law issues raised by Newell implicate his federal constitutional rights.¹

Accordingly, the petition is denied and this action is dismissed pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a) (3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Donald C. Nugent 5/17/07
DONALD C. NUGENT
UNITED STATES DISTRICT JUDGE

¹ The court notes that even if Newell had raised a cognizable issue in habeas corpus, the petition would be patently barred by the statute of limitations. 28 U.S.C. § 2244.